

Docket No. 96135CON2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lucarelli et al. Confirmation No.: 2818  
Serial No.: 09/839,762 Examiner: Nathan M. Nutter  
Filed: April 20, 2001 Group Art Unit: 1711  
For: POWDER COATING COMPOSITION

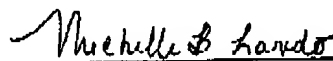
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Attention: Nathan M. Nutter  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION BY FACSIMILE

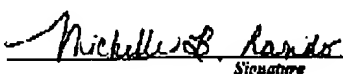
I hereby certify that the attached paper (along with any paper referred to as attached or enclosed therein) is being transmitted *by facsimile* to the United States Patent and Trademark Office, Fax No. 1-571-273-8300, on August 12, 2005.



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Enclosure: Response and Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (2x)

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<b>Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent</b>					Docket No. <b>96135CON2</b>	
In Re Application Of <b>Lacarelli et al.</b>						
Application No. <b>09/839,762</b>	Filing Date <b>April 20, 2001</b>	Examiner <b>Nathan M. Nutter</b>	Customer No.	Group Art Unit <b>1711</b>	Confirmation No. <b>2818</b>	
Invention: <b>POWDER COATING COMPOSITION</b>						
Owner of Record: <b>Cabot Corporation</b>						
<b><u>COMMISSIONER FOR PATENTS:</u></b>						
<p>The above-identified owner of record of a 100.0 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,228,927. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee; is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;">   <hr style="width: 100%; border: 0.5px solid black;"/> <p><b>Michelle B. Lando</b> <i>Typed or Printed Name</i></p> </div> <div style="text-align: right;"> <p>Dated: <b>August 12, 2005</b></p> </div> </div> <div style="margin-top: 10px;"> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. The Commissioner is hereby authorized to charge the terminal disclaimer fee of \$130.00 to</p> <p><input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. Deposit Account No. 03-0060 of Cabot.</p> <p>Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p> </div>						

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**Docket No.  
96135CON2

In Re Application Of: Lucarelli et al.

**DUPLICATE**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/839,762	April 20, 2001	Nathan M. Nutter		1711	2818

Invention: **POWDER COATING COMPOSITION**Owner of Record: **Cabot Corporation****COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100.0 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,228,927. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

  
Signature

Dated: August 12, 2005

Michelle B. Lando

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. The Commissioner is hereby authorized to charge  
☒ PTO suggested wording for terminal disclaimer was unchanged. the terminal disclaimer fee of \$130.00 to  
Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee. Deposit Account No. 03-0060 of Cabot.

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Commissioner for Patents  
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Alexandria, VA 22313-1450


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RESPONSE

Sir:

In response to the Examiner's telephone conversation with Michelle Lando, Applicants herein file a Terminal Disclaimer to obviate a double patenting rejection over prior U.S. Patent No. 6,228,927. Applicants believe that this application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

By:   
Dr. Robert M. Amici  
Reg No. 52,554  
CABOT CORPORATION  
Law Department  
157 Concord Road  
Billerica, MA 01821-7001  
(978)-670-6191

Date: July 25, 2005  
Attorney Docket No.: 96135CON2